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The Honorable Members of the House Local Government Committee  
Anderson House Office Building  
124 North Capitol Avenue  
P.O. Box 30014  
Lansing, MI 48909-7514

Dear Representatives:

My name is Ellen Thackery and I lived most of my life in Metro Detroit (I grew up in Dearborn) and I now live in Ann Arbor. I am here to express my strong opposition to HB 5232. I was opposed to the original bill and I am opposed to the proposed substitute H-1. **The proposed revised legislation would make it impossible to create new historic districts, creates a burdensome process for local legislative bodies, and modifies long accepted standards.**

You will hear or read that the state's Local Historic Districts Act has been around since 1970 and is outdated—the truth is that it has been amended five times since its adoption and is still working very well for communities who choose to adopt a local historic district under the act. 78 cities and towns from Traverse City to Niles, from Mackinac Island to Adrian, and from Calumet to Menominee have chosen to protect their historic places. Why? Because local historic districts preserve a community's sense of place and historic character, attracting heritage tourists and visitors, supporting local businesses, stabilizing downtowns and neighborhoods, increasing property values, attracting investment, and driving the local economy. What other tool in a community's toolbox can do all that? **Historic preservation is an undisputed economic development tool.** Consider that heritage tourists stay longer and spend more, visits to historic attractions lead to additional money spent locally in shops and restaurants, property values in local historic districts increase faster than in comparable, non-designated areas (example: in Kalamazoo over 30 years, one designated area's property values rose 385% compared to a similar non-designated area's increase of just 72%), and local historic districts protect investments, thus encouraging them. Local historic districts have supported and fueled the revitalization of neighborhoods and commercial areas all over the state, including Detroit, Grand Rapids, Ypsilanti, and Owosso. And local historic districts have helped keep areas like Birmingham, Clarkston, Franklin, Traverse City, and Ann Arbor vital and desirable.

You will hear or read that the act places significant power in the hands of study committees that ignore the property owners living in the district. The fact is, study committees are made up of local people who volunteer their time to research and inventory a community's historic places. The study committee doesn't hold power--throughout the study process, there are public meetings and hearings, and, ultimately, the committee makes a recommendation to the local legislative body. *That* body decides. Once the study report is done, the local legislative unit will also hold at least one public hearing and will weigh all voices and needs of an area and make a decision that they believe is best for their community. Local legislative bodies will not establish local historic districts if the members of the body do not feel that the idea has broad support. **Local historic district designation is, and has always been, entirely a**

local political process from beginning to end, with ample opportunity for public comment and property owner participation. Of course property owners should be heard and their voices matter in this process.

We should not, however, require that a local legislative unit acquire *consent* from a supermajority of property owners in an area in order to consider a change in land use policy, as HB 5232 (H-1) requires. When a local land use change is being considered, like a change in zoning or the potential establishment of a local historic district, affected property owners' opinions are sought and they matter, of course, as they should. Affected property owners, as well as other residents and stakeholders, need to have ample opportunity to express their opinions and concerns when a land use policy change is being considered. And they do, through public hearings (for which affected property owners receive proper, state-mandated public notice), informational workshops, and meetings of the local legislative unit that are part of the process when potential changes in land use policy are being considered. Affected property owners can also call, write, or meet their local elected officials. Representative democracy is a partnership: local legislators consider new initiatives and policies—environmental, land use, public safety, etc—and we support or oppose, we make suggestions, we vote, and we even sometimes serve on boards ourselves. But local legislative bodies must still have the ability to consider new policies and to govern. HB 5232 (H-1) requires that a petition of property owners in a potential district shows 2/3 majority support for the idea of a local historic district before the study committee can even be appointed (so no community outreach or public meetings would have even happened yet). This requirement is too extreme and we should reject a bill that retains this language.

Further, the 2/3 property owner consent requirement does not allow local governments to act quickly to save an endangered community landmark, even if there is BROAD community support for such an effort, and single-resource districts with opposed property owners would become extinct. This provision also gives outsized influence to a property owner who owns several parcels of land in a neighborhood but is not maintaining them, or is demolishing them. In such a case, many neighborhood property owners might seek protection against this person's actions, but no protection could be given. As the City of Grand Rapids stated in their comments to both drafts of 5232, "Deferring entirely to one owner or small number of owners that have large land holdings rather than resting decision-making with elected officials as representatives of community interests and impacted neighbors disempowers the community good and can adversely affect the property rights and values of non-majority land owners." In all of these cases, the result would be a loss of historic resources that are important to a community's identity, character, economy, and quality of life.

If more opportunities for education or discussion are desired, many such opportunities were suggested to Rep. Afendoulis by several different organizations, including the City of Grand Rapids, Michigan Municipal League, and the Michigan Historic Preservation Network and he took none of them. If more procedures are desired that would ensure that property owners would always know whether their properties were affected by a local historic district establishment, boundary modification, or dissolution, and that they would have a voice, again, many ideas were offered but none were accepted. **All three organizations (and probably many others) have expressed opposition to the 2/3 majority-property-owner-consent-by-petition requirement because it reduces local government control, endangers historic resources, and sets a dangerous precedent for land use policy statewide.** Many other solutions and procedures have been suggested that would meet the Representative's goals for increased owner participation and protection, but none of these suggestions have yet been incorporated into HB 5232.

Representative Afendoulis has expressed that he wants to set the bar higher on creating local historic districts, but with HB5232's requirement that 2/3 majority of property owners in an area not even under study yet show support for the district in a petition (especially before they even know what a historic district would mean for them or how it would operate), AND a 2/3 supermajority vote by the local legislative body, AND a waiting period of 120 days between committee report submission and local legislative body vote, the bar is set impossibly high. Language in this bill draft would ensure that preservation of local historic places through districts would no longer even be accessible to communities. As a result, both a key community economic development tool and cherished community landmarks would be lost. This bill in its current form needs to be rejected—more work and alternate language and solutions are available and sorely needed. Thank you for your time and consideration.

Sincerely,

Ellen Thackery